

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

OLIN WOOTEN,)
Plaintiff,) Civil Action No. 1:08cv00049
)
v.) <u>ORDER</u>
)
ROBERT C. LIGHTBURN,) By: GLEN M. WILLIAMS
Defendant.) SENIOR UNITED STATES DISTRICT JUDGE

This case is currently before the court on the defendant's Motion To Dismiss, (Docket Item No. 5), ("Motion"). The Motion was referred, pursuant to 28 U.S.C. § 636(b)(1)(B), to the Honorable Pamela Meade Sargent, United States Magistrate Judge. On February 23, 2009, the Magistrate Judge entered a Report And Recommendation, (Docket Item No. 12), ("the Report"), recommending that the Motion be denied. In addition, the Magistrate Judge recommended that the court give the defendant 20 days from the date of the order denying the Motion to file his Answer to the Complaint. Objections to the Report were due by March 12, 2009; however, no objections were filed. Accordingly, the Magistrate Judge's Report shall be **ACCEPTED**.

For the reasons set out in the Report, the Motion is **DENIED**. It is **FURTHER ORDERED** that the defendant shall file his responsive pleadings to the Complaint within 20 days of the date of entry of this Order.

The Clerk is directed to enter this Order and send certified copies to all counsel of record.

ENTER: This 13th day of March 2009.

/s/ *Glen M. Williams*

SENIOR UNITED STATES DISTRICT JUDGE